

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: June 18, 2019 Case Number: 19-89

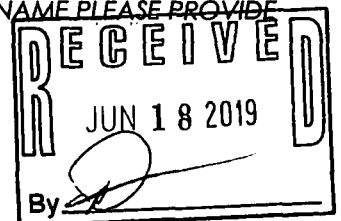
A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: DR ANGONE
Premise Name: KINGMAN ANIMAL HOSPITAL
Premise Address: 1650 E NORTHERN AVE
City: KINGMAN State: AZ Zip Code: 86409
Telephone: (928) 757-4011

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: MICHAEL WILLIAMS
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.



C. PATIENT INFORMATION (1):

Name: JACKIE
Breed/Species: FELINE / DOMESTIC SHORT HAIR
Age: 10 Sex: FEMALE Color: BLACK / WHITE

PATIENT INFORMATION (2):

Name: BUDDY
Breed/Species: FELINE / DOMESTIC SHORT HAIR
Age: 16 Sex: MALE Color: ORANGE / WHITE

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

DR ANGONE - KINGMAN ANIMAL HOSPITAL

DR CORNELIUS - KINGMAN ANIMAL HOSPITAL > (928) 757-4011

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

DR WRIGHT - [REDACTED]
[REDACTED]

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: [Signature]

Date: 05/28/2019

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

05/22/2018 Initial visit with both Jackie & Buddy, for a routine checkup at Kingman Animal Hospital. Dr.Angone examined both Buddy & Jackie, Dr.Angone dismissed Jackie coughing up white foamy liquid as "perfectly normal, no more concerning as a hairball". Dr.Angone reported at the end of the checkup that with the exception of being slightly overweight, Jackie was perfectly healthy. Buddy required some further specialized tests but we thought he was just overstimulated by the car ride from Lake Havasu City to Kingman (approximately 45 minute drive, both are indoor cats and therefore not used to being outside). We paid \$110 for both cats examination.

05/25/2018 Buddy returned for his specialized tests. Paid \$317.

05/30/2018 Dr.Angone called to say to they had the results from Buddy's specialized tests. Dr.Angone said that Buddy had no health issues but as he was getting old (15 years old at the time), to give him half a children's aspirin per week as a preventative measure.

12/06/2018 Jackie's back legs gave out and she was unable to walk. Unfortunately this was approximately five o'clock in the evening and a lot of the veterinary practices were closed or about to close. Kingman Animal Hospital was able to schedule an appointment the next morning.

12/07/2018 Jackie was examined by Dr.Cornelius (Kingman Animal Hospital) who x-rayed Jackie and said that Jackie had a large mass around her chest, specifically the heart/lung area. Dr.Cornelius said that the mass was almost certainly caused by a "fall". We mentioned our concerns that Jackie & Buddy could have been confused during the checkup on 22nd May as it seemed Jackie was now displaying the symptoms Dr.Angone had said may happen to Buddy (which is why we required the additional testing). Dr.Cornelius also looked shocked when we told her that we were giving Buddy the children's aspirin as she told us that it was potentially toxic to healthy cats. Dr.Cornelius asked who had to us to give Buddy the children's aspirin. When we told her it was Dr.Angone, Dr.Cornelius left the room to speak with Dr.Angone. When Dr.Cornelius returned to the room after speaking to Dr.Angone, she looked flustered and said not to worry??!! We were also given a quote that was supposed to be specifically for Jackie but instead was actually for a dog and it had all the owners' personal information on it!!! Both my fiancée & I left feeling as if something was not correct.

12/10/2018 I emailed the Kingman Animal Hospital and respectfully asked the invoice 122894 for our visit on December 7th 2018 be waived.

12/18/2018 The hospital administrator (Ruby C Duey) replied and to my email from December 10th 2018, stating that they disagreed and that there had been no mix-up with Buddy & Jackie. So they would not be waiving the payment due for invoice 122894. I informed them that after reading their reply, I had contacted the American Veterinary Medical Association and filed a complaint with the B.B.B. (Better Business Bureau, complaint 13265943). The B.B.B. reported that Kingman Animal Hospital did NOT respond to any communications from them.

01/13/2019 After caring for Jackie, unfortunately she passed.

01/14/2019 My fiancée & I were determined to know why Jackie passed. We were certain that Jackie did NOT succumb to injuries from a fall. We took Jackie's remains to Dr.Wright veterinary practice for a necropsy.

01/25/2019 Dr.Wright contacted my fiancée & I to report that the necropsy results were back. The results showed that Jackie had passed due to pulmonary mass and Dr.Wright said it was "not likely at all" to have been caused by fall. Also, that Jackie was coughing up the white foamy liquid back in May 2018, Jackie should have been referred to a specialty center for a thoracic ultrasound and biopsy.

02/06/2019 Emailed Kingman Animal Hospital to request again that invoice 122894 be waived. I explained that Jackie had passed and that we had, had a necropsy performed and that they had completely missed the pulmonary mass. I said I had contacted the American Veterinary Medical Association about this.

07/02/2019 Ms.Duey replied and said that they were NOT going to change their minds about waiving the payment for invoice 122894. Strangely the email subject had changed from the invoice number (the email I had sent on February 6th 2019) and Ms.Duey had changed it to "Callie/Jackie". Callie is our third cat (which we didn't adopt until July 17th 2018, two months AFTER Buddy & Jackie's initial checkup) and to this point had never been referenced in any correspondence with Kingman Animal Hospital about this matter. This is another good example of how slip shot Kingman Animal Hospital are at maintaining records. How could they have properly reviewed Buddy & Jackie's records if they can't even get the cat's names correct??!! Ms.Duey also said that as I had contacted the American Veterinary Medical Association, she would be contacting Kingman Animal Hospital lawyer and would not respond to any further communications.

04/19/2019 After receiving a further two more payment reminders through the post for invoice 122894, I emailed Ms.Duey again to respectfully ask for the payment to be waived but also for the refund of our visit on May22nd 2018 (\$110) and the additional tests performed on Buddy on the 25th May 2018 (\$317). I requested that these payments be refunded by April 23rd 2019 or I would file a claim through the small claims court. Ms.Duey replied to say I had been removed from their postal mailing list.

04/23/19 I emailed Ms.Duey asking if they intended to refund the requested payments, otherwise I would start to take action in the small claims court. I received a response from their lawyer requesting I said her ALL the evidence I had and to have no further contact with Kingman Animal Hospital.

04/30/19 Even though I am supposedly off Kingman Animal Hospital mailing list and their lawyer said to have no contact AT ALL with them, I received two reminders that my 'pets' were due for a checkup...

My fiancée & I, strongly believe that Jackie & Buddy were NOT given the proper service of care that we had paid for in May 2018 and billed for in December 2018. Jackie was not just a cat to us, she had been a part of our family for over ten years since my fiancée had rescued Jackie not long before our ten year old son was born. Had we known that Jackie had a pulmonary issue back in May 2018, we would have gladly paid for the additional testing Dr.Wright had suggested. If we had been given a truthful diagnosis in December and knew that we could make Jackie better, we would have made the extremely difficult decision to save Jackie any further undue suffering.

I have included the following printouts:

1. Buddy's additional test results, the date they were performed is incorrect. The tests were performed on May 25th 2018 and NOT May 26th 2018.
2. The email from Ms.Duey where she changed the email subject to reference our over cat that was not involved or referenced to that point.
3. A photo of the quote for the dog with the owner's personal information on.
4. Jackie's necropsy report.
5. Dr.Wright's email saying it was "not likely at all from a fall" and also that the white foamy liquid symptom should have been checked by specialist testing.
6. The lawyer's letter to me.



Michael Williams <gibb57@gmail.com>

"Jackie"

1 message

Darla Wright [redacted]
To: Michael Williams [redacted]

Fri, Jan 25, 2019 at 3:08 PM

1. Jackie was coughing up a white foam type liquid in May 2018 and we took her to get checked at a vets, would her pulmonary condition been diagnosed then? We also had pointed out that we could clearly feel a lump around her heart/lungs during that check up.

Answer: Coughing up foam would be an indication for a chest x-ray study.

2. Could anything have been done to cure her, if it had been correctly diagnosed back in May 2018?

Answer: Referral to a specialty center for thoracic ultrasound and biopsy.

3. Could the pulmonary mass have been caused by a fall?

Answer: No, not likely at all.

4. Jackie had also started to have 'accidents' occasionally around May 2018 as well, would this have been a symptom of the renal failure?

Answer: Not necessarily but is possible.

5. Would Jackie have been in any distress?

Answer: Chest/lung masses generally cause respiratory distress that advances over time.

Dr. Darla Wright DVM
Wright Veterinary Service



Michael Williams [REDACTED]

WRONG CAT

Callie and Jackie- Patient

2 messages

Ruby Duey [REDACTED]

Thu, Feb 7, 2019 at 9:22 AM

Reply-To: Ruby Duey [REDACTED]

To: [REDACTED]

Cc: "[REDACTED]"

I have received your request and notification again today.

I had already responded to the initial request in December 2018 via your email.

As you have already filed a complaint to the vet board, we will now be in contact with them and our lawyer regarding this case and no longer will be in direct contact with you regarding this matter.

Thank you,

Ruby C. Duey C.V.T.

Kingman Animal Hospital

Owner- Administrator

928-757-4011 Work

[REDACTED] Cell

[REDACTED]

ruby@kingmananimalhospital.com (optional)

glbb57 [REDACTED]

Thu, Feb 7, 2019 at 9:27 AM

To: Mindy Arney [REDACTED]

Sent from my Samsung Galaxy smartphone.

[Quoted text hidden]



Concierge Legal Group, PLLC

1181 Hancock Road
Bullhead City, Arizona 86442
(928) 542-9020

Michael Williams
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

April 23, 2019

Dear Mr. Williams,

I represent Kingman Animal Hospital. I am in receipt of your email correspondence with my client and have reviewed the medical records of the two cats in question.

In your emails you indicate you do not believe you owe the amount(s) billed. Further you indicate you believe your cat, Jackie, was misdiagnosed and that there was a "cover up". You state you had a necropsy performed on Jackie and that a veterinarian and lab advised you the mass was improbably caused by the fall / trauma to the cat. You state that an exam and testing performed on Buddy were not supposed to be performed on Buddy but on Jackie. Please provide my office with a complete copy of the necropsy report, along with any medical records for Jackie and Buddy, and the names and contact information for any individuals you believe have relevant information regarding your claims. As your correspondence also indicates you filed a complaint with the veterinary board, please provide me with a copy of that complaint along with any supporting documentation submitted.

Please be advised that it is my position your animals were treated appropriately and received quality care by my client. The records reflect you declined recommended treatment and diagnostic examinations and were advised of the risks associated with that position. The cats were treated with your informed consent. To that end, I will review documentation you provide or in the alternative defend against your meritless claim in court. However, I will seek reasonable attorneys fees and all court costs related to any action in this matter and reserve the right to counterclaim against you for harassment, failure to pay your bill, and making false statements.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

D'Arcy Downs-Vollbracht, Esq.

ddv@conciergelegalgroup.com



1650 E. Northern Avenue
Kingman, Arizona 86409
928-757-4011

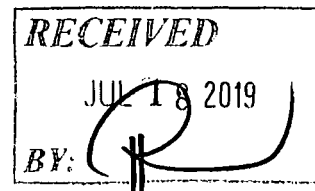
Complaint
19-89

19-89 In Re: Erika Angone, DVM
To Whom It May Concern:

This letter is in response to Michael Williams' complaint to the Arizona State Veterinary Medical Examining Board regarding the care of his cats at Kingman Animal Hospital. I saw two of his cat for general physical/wellness exams on 5/22/2018. Buddy a 15 year old neutered male cat was diagnosed with a heart murmur and blindness at this exam. A cardiac work-up was recommended which included blood work and blood pressures. Diagnostics were performed several days later on 5/25/2018. Radiographs of the chest were declined by the owner due to cost. Owner also declined further treatments or referral and opted to monitor the cat. I recommended giving the cat a low dose aspirin (1/4 of an 81mg aspirin every 3 days) and discussed the possibility of blood clots. Jackie a 9 year old spayed female cat was examined that day (5/22/18). Other than possible inappropriate urination there were no health concerns at that time. Jackie's exam was unremarkable and there was no history of any issues such as coughing, vomiting, etc. Owner declined senior blood work or urinalysis. That was my last interaction with Mr. Williams with regards to these 2 cats. Jackie was not seen again until 12/7/2018. Dr. Rocky Cornelius evaluated Jackie for an acute episode of collapse and distress. Per owner prior to the episode cat appeared to be doing well. Radiographs were taken of Jackie at that time. These revealed a lesion in the chest. Dr. Cornelius discussed the possibility of a tumor, mass effect or bleeding contusion with owner. Further diagnostics, referral or major treatments including hospital care were declined by owner. Medications were sent home. Jackie later passed away at home from her condition. Appropriate care was given to each cat at the appropriate time. There is no way I could have predicted 6 months earlier Jackie's medical condition and subsequent passing. Health status can change dramatically over that amount of time. Despite concerns raised by Mr. Williams Jackie's health problem was not missed on 5/22/2018 it simple did not exist or was not evident at that time. I also have no way of knowing if she had been in decline prior to her collapse on 12/7/2018. Further communications with Mr. Williams occurred via e-mail and were addressed by Ruby Duey, CVT. I am sorry for Jackie's passing and Mr. Williams' loss but I believe Dr. Cornelius and I did all we could given the circumstances. Please contact me with any further question.

Sincerely,


Erika Angone, DVM





ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Christine Butkiewicz, DVM
William Hamilton
Brian Sidaway, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Victoria Whitmore - Executive Director
Mary Williams – Assistant Attorney General

RE: Case: 19-89
Complainant(s): Michael Williams
Respondent(s): Erika Angone, DVM (License: 3950)

SUMMARY:

Complaint Received at Board Office: 6/18/19
Committee Discussion: 9/10/19
Board IIR: 10/16/19

APPLICABLE STATUTES AND RULES:

Laws as Amended April 2018
(Green); Rules as Revised
September 2013 (Yellow)

On May 22, 2018, "Jackie," a 9-year-old female domestic short hair cat and "Buddy," a 15-year-old male domestic short hair cat were presented to Respondent for exam. Complainant reported inappropriate urination but was unsure which cat.

Respondent recommended blood work and urinalysis for "Jackie;" Complainant declined. Respondent also recommended diagnostics for "Buddy" due to finding a heart murmur and vision issues. Complainant declined at that time but did bring the cat in a week later for blood pressure and blood work.

On December 7, 2018, "Jackie," was presented to Respondent's associate due the inability to walk. Radiographs were performed and a mass in the chest was identified. Additional diagnostics were declined and the cat was discharged.

On January 13, 2019, "Jackie," passed away.

Complainant was concerned that Respondent mixed up the two cats at the initial exam and ordered additional diagnostics and treatment on the wrong cat.

**Complainant was noticed and did not appear.
Respondent was noticed and appeared telephonically.**

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Michael Williams*
- Respondent(s) narrative/medical record: *Erika Angone, DVM*
- Consulting Veterinarian(s) narrative/medical record: *Roxanna Cornelius, DVM*

PROPOSED 'FINDINGS of FACT':

JACKIE:

1. On May 22, 2018, the cat was presented to Respondent for an exam and dental evaluation. Complainant reported that there was possible inappropriate urination, however, he was not sure which of their two cats were responsible. According to Complainant, he reported the cat was coughing up white, foamy liquid which was dismissed by Respondent as normal hairball behavior; Respondent denies she was told the cat was coughing and/or vomiting.

2. Upon exam, the cat had a weight = 12 pounds, a temperature = 100.2 degrees, a pulse rate = 180bpm and a respiration rate = 46rpm; BCS = 4/5; and BAR. Respondent noted that the cat had mild tartar and was overweight. Complainant had no other health concerns except for the possible inappropriate urination. Respondent recommended a weight loss diet, blood work and urinalysis; Complainant declined lab work at that time and the cat was discharged.

3. On December 7, 2018, the cat was presented to Respondent's associate, Dr. Cornelius, for the inability to walk. Complainant arrived home the previous evening and the cat would not get up and walk. Complainant stood the cat up and she wobbled over. Upon exam, the cat had a weight = 9.8 pounds (12 pounds previously), a temperature = 99.4 degrees, a pulse rate = 200bpm and a respiration rate = 50rpm. Dr. Cornelius noted an abrasion/bite mark on the cat's right shoulder and urine staining on the hind end. She was initially concerned that the cat had a saddle thrombus, but the physical exam findings did not support the diagnosis. There was voluntary movement and deep pain present. Dr. Cornelius was unable to clearly feel a pulse in the right hind limb but pad color was normal and the cat was moving it; there was blood present when both hind legs had nails quicked.

4. Due to the superficial injury to the cat's shoulder, Dr. Cornelius was concerned the cat had been in some kind of trauma that had caused injury to her spine; radiographs were recommended and approved. Radiographs revealed a mass like lesion near the base of the cat's heart. Dr. Cornelius was concerned that the cat had a neoplastic lesion or a pulmonary contusion possibly from a fall or other trauma. At this time, Complainant advised Dr. Cornelius that he was giving the cat aspirin (1/2 tablet children's aspirin weekly). When asked why, Complainant stated that his other cat, Buddy, was on it for a heart issue therefore he decided to give it to Jackie as well.

5. Dr. Cornelius recommended blood work and sending the radiographs to a radiologist to confirm the presence of the mass and see if they could indicate if it was a contusion or neoplasia. Complainant declined due to financial constraints. Dr. Cornelius advised

Complainant of the cat's poor prognosis, especially if there were neoplastic issues, but they could attempt to treat the cat for a fall from a height to see if she responded. The cat was discharged with Gabapentin and Clavamox.

6. On December 10, 2018, Complainant requested a refund for the services received on December 7th. Hospital manager, Ms. Duey, declined.

7. On January 13, 2019, the cat passed away. Complainant had a necropsy performed on the cat.

8. On January 25, 2019, the necropsy report showed:

Lung: bronchial mass with multifocal pulmonary nodules

Left Kidney: Chronic renal infarction with cortical thinning and possible hemorrhage filled cavitations.

BUDDY:

9. On May 22, 2018, the cat was presented to Respondent for an eye exam. Complainant reported the cat may have been urinating outside the litter box and chews on her left side. Upon exam, the cat had a weight = 14 pounds, a heart rate = 102 degrees, a pulse rate = 186bpm and a respiration rate = 40rpm; BAR. Respondent noted the cat had old fractures on the right canines; dilated pupils, poor pupillary light response and failed the cotton ball test; heart murmur = grade 3/6 systolic; and periodic inappropriate urination. Respondent's differential diagnosis was – cardiac disease, hypertension and recommended working up the cat (blood work, proBNP, blood pressure, radiographs). Complainant declined at that time.

10. On May 25, 2019, the cat was dropped off with Respondent to perform blood work and blood pressure. Upon exam, the cat had a weight = 14.5 pounds, a temperature = 100.5 degrees, a pulse rate = 222bpm and a respiration rate = 60rpm. The heart murmur was unchanged; thoracic radiographs were declined, blood and urine was collected for testing and 3 blood pressures were obtained:

- a. 180/153 map 158;
- b. 182/146 map 145; and
- c. 201/144 map 161.

11. Blood abnormalities:

BUN 43 16 – 37

12. No significant findings in the urine sample.

13. On May 29, 2018, Respondent reported her findings to Complainant – Blood work was overall ok. Complainant did not want to pursue any major treatments or further diagnostics at that time; declined cardiac referral and medications for blood pressure. Respondent recommended giving the cat ¼ tablet of 84mg aspirin orally every three days and fish oil omega fatty acids supplement. Respondent stated in her narrative that she discussed the possibility of blood clots.

14. Complainant expressed concerns that Respondent mixed up the two cats on the initial visit in May 2018 causing additional testing be performed on "Buddy" instead of "Jackie." Other concerns were that Complainant received an estimate with another client's name and address on it; emails from Ms. Duey had their other cat, "Callie," name on the title instead of "Buddy;" and blood work had a date of 5/26/18 instead of 5/25/18.

COMMITTEE DISCUSSION:

The Committee discussed that they did not see any mix up or inappropriate treatment or recommendations offered. It appears that Complainant was confused with the two issues between the two cats.

The clerical errors on the estimate did not concern the Committee and the lab date was not an issue either.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

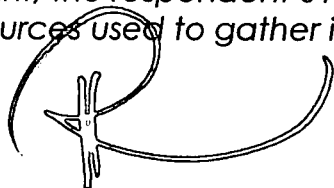
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.



Tracy A. Riendeau, CVT
Investigative Division